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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/621,248 | 07/16/2003 | Thomas Bailey | 0262-043P | 1268 |
| 22831 | 7590 | 01/24/2005 | EXAMINER | |
| SCHWEITZER CORNMAN GROSS & BONDELL LLP 292 MADISON AVENUE - 19th FLOOR NEW YORK, NY 10017 | | | | PRINCE, FRED G |
| ART UNIT | | PAPER NUMBER | | |
| | | 1724 | | |

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/621,248 | BAILEY ET AL. |
| | Examiner Fred Prince | Art Unit 1724 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 November 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sicard in view of Hansen.

Sicard discloses a cartridge comprising upper and lower end caps (100, 104), a central core member (Fig. 3), a pleated filter (92; Fig. 3) surrounding the central core member, and an inherently circular platform (78) projecting radially inwardly. Sicard does not explicitly disclose a skeletal member having the recited structural members.

Hansen discloses providing a filter with a treatment medium in order to improve the quality of the liquid (col. 2, lines 9-11) and providing the skeletal member such that it comprises a series of post and ring members (Fig. 3, 10; col. 3, lines 59-62) in order to support the filter medium.

It is submitted that it would have been readily obvious for the skilled artisan to have modified the filter of Sicard such that it includes a treatment medium in order to improve the quality of the liquid and providing the skeletal member such that it comprises a series of post and ring members in order to support the filter medium, as suggested by Hansen.

Regarding the preamble of claim 1, the subject matter recited fails to breathe life, meaning, and vitality into the claim, does not provide antecedent basis for the limitations in the body of the claim and appears to be a recitation of intended use. Accordingly, the preamble is not given patentable weight in the claim.

Regarding the platform being “adaptable” to support a water treatment medium, it is submitted that the recitation is one of intended use and therefore not given patentable weight in the claim. Further, it is noted that the platform is capable of supporting a water treatment medium.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sicard in view of Hansen as applied to claims 1-2 and 4-5 above, and further in view of Kasten.

Sicard, as modified by Hansen, is described above. Sicard does not disclose integral gasket means.

Kasten discloses the well known concept of providing end caps having integral gasket means (16,18; Fig. 2) in order to improve sealing (col. 3, lines 24-30).

It would have been readily obvious for the skilled artisan to have modified the cartridge of Sicard, as modified by Hansen, by providing integral gasket means in order to improve sealing, as suggested by Kasten.

Regarding the integral gasket means being "adaptable" to engage different size pipe fittings, it is submitted that the recitation is one of intended use and therefore not given patentable weight in the claim. Further, it is noted that the integral gasket means is capable of engaging different size pipe fittings.

Response to Arguments

4. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection necessitated by applicant's amendment.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Prince whose telephone number is (571) 272-1165. The examiner can normally be reached on Monday-Thursday, 6:30-4:00; alt. Fridays 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Fred Prince
Primary Examiner
Art Unit 1724

fgp
1/19/05